

**FEDERAL COMMUNICATIONS COMMISSION**  
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June 3, 2019

Capstar TX, LLC  
7136 S. Yale Avenue  
Suite 501  
Tulsa, OK 74136

Re: Capstar TX, LLC  
KWHN(AM), Fort Smith, Arkansas  
Facility Identification Number: 22099  
Special Temporary Authority

Dear Applicant:

This is in reference to the request filed May 31, 2019, on behalf of Capstar TX, LLC ("CTL"). CTL requests special temporary authority ("STA") to operate station KWHN(AM) with emergency antenna facilities.<sup>1</sup> In support of the request, CTL states that historic flooding of the Arkansas River which is immediately adjacent to the KWHN(AM) transmitter site, has encompassed the base insulators of all towers. Therefore, to maintain service, a long-wire antenna has been constructed on the licensed site.

Specifically, KWHN(AM) is operating with a power of 1 kilowatt into a 30 meter, long-wire antenna. The wire is supported on one end by the station's existing 30 meter STL tower and an eastern anchor on the other end. Thus, KWHN(AM) requests STA to continue to operate with the long-wire antenna facilities until the flood waters recede and the necessary repairs are made.

Section 73.1680 of the Commission's rules provide for operation with emergency antenna facilities, provided that an informal request for continued use of an emergency antenna is filed with the Commission within 24 hours. In particular, Section 73.1680(b)(1) states that AM stations may use a horizontal or vertical wire or a nondirectional vertical element of a directional antenna as an emergency antenna. AM stations using an emergency nondirectional antenna or a horizontal or vertical wire pursuant to this section, in lieu of authorized directional facilities, shall operate with power reduced to 25% or less of the nominal licensed power, or, a higher power, not exceeding licensed power, while insuring that the radiated field strength does not exceed that authorized in any given azimuth for the corresponding hours of directional operation.

Accordingly, the request for STA IS HEREBY GRANTED. Station KWHN(AM) may continue to operate from its licensed site with the long-wire antenna and power reduced to 1 kilowatt. It will be necessary to further reduce or cease operation if complaints of interference are received. CTL must use whatever means are necessary to protect workers and the public from exposure to radio frequency

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<sup>1</sup> KWHN(AM) is licensed for operation on 1320 kHz with a daytime and nighttime power of 5 kilowatts, employing a directional antenna pattern at night (DAN-U).

radiation in excess of the Commission's exposure guidelines. *See* 47 CFR § 1.1310.

This authority expires on **November 30, 2019**.

**STA Advisory:** Section 309(f) of the Communications Act of 1934, as amended, authorizes the Commission to grant STA in cases of "extraordinary circumstances requiring temporary authorizations in the public interest and when delay in the institution of the temporary operations would seriously prejudice the public interest." However, Section 309(f) is not a means by which a licensee/permittee may circumvent established processing procedures which require the filing of an application, nor is it a means by which a broadcaster may enhance his facility or make operation more convenient for the broadcaster. Stations operating with less than licensed facilities under temporary authorities can be viewed as receiving the benefit of a larger protection area than that in which they are currently providing service.

Accordingly, Special Temporary Authorities by nature are to be temporary and are not intended for extended use. Licensees of stations operating under temporary authorities are reminded that timely restoration of permanent facilities is the responsibility of the licensee and should be undertaken expeditiously. Any request for extension of special temporary authorities carries an increased burden with each subsequent request.

Therefore, requests for extension of STA will be granted only where the licensee can show that one or more of the following criteria have been met:

- Restoration of licensed facilities is complete and testing is underway;
- Substantial progress has been made during the most recent STA period toward restoration of licensed operation; or
- No progress has been made during the most recent STA period for reasons clearly beyond the licensee's control, and the licensee has taken all possible steps to expeditiously resolve the problem.

Sincerely,

A handwritten signature in dark ink, reading "Jerome J. Manarchuck". The signature is fluid and cursive, with the first name "Jerome" and last name "Manarchuck" clearly legible.

Jerome J. Manarchuck  
Audio Division  
Media Bureau

cc: Troy G. Langham (via email only)